

### Remarks and Arguments

Applicants have carefully considered the Office Action dated December 3, 2003 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Claims 11, 15 and 19 have been amended to correct grammatical errors and are now believed to overcome any objection thereto. These amendments have not been made to distinguish over any reference of record and no narrowing of any corresponding equivalents to which the amended limitation(s) or claim(s) is/are entitled is intended by these amendments.

Claims 1, 4 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent 6,240, 070, Kozdon et al., hereafter referred to as Kozdon, in view of U.S. Patent No. 6,359,882, Robles et al., hereafter referred to as Robles. In this setting forth the rejection, the Examiner has expressly admitted that Kozdon does not explicitly teach modifying one of the time stamp, source identifier and sequence number of the packet headers in the active stream of audio packets. Instead, the Examiner is relying on Robles, alleging that Robles teaches modifying one of the the time stamp, source identifier and sequence number of the packet headers in the active stream of audio packets, and further stating that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification that would enable the system to assign the new sequence number to the active stream of data packets.

Applicants respectfully traverse the rejection of claims 1, 4 and 10 under 35 U.S.C. §103(a) on the grounds that the Examiner has failed to create a *prima facie* case of obviousness. In accordance with MPEP §2143.03, to establish a *prima facie* case of obviousness 1) the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations; 2) there must be some suggestion or motivation to modify a reference or combine references; and 3) there must be a reasonable expectation of success.

Claim 1 recites a method for enabling audio conferencing comprising “modifying one of the time stamp, source identifier and sequence number of the packet headers in

the active stream of audio packets" and "retransmitting the modified packets of the active stream of audio packets to others of the plurality of client processes" (claim 1, lines 12-15). In Robles the modified sequence numbers are transmitted not to *client* processes but between a pair of switches. Robles specifically recites:

In a particular embodiment of the invention, larger fields are used for the sequence numbers transmitted *between switches*. By providing larger fields for the sequence numbers, more numbers can be provided to eliminate the possibility of identical active sequence numbers. Although these enlarged sequence number fields may not be supported by other protocols (such as TCP/IP), if each switch on a particular communication link understands the enlarged sequence number field, then the enlarged field will be transparent to the other devices coupled to the switches.

(Robles, col. 10, lines 56-65, Figs. 3A and 7, emphasis added)

Robles specifically indicates in the above passage that the enlarged sequence number fields may not be supported by other protocols such as TCP/IP to which the other nodes may be coupled to the switches.

Conversely, the present invention specifically recites retransmitting the modified packets of the active stream of audio packets to *others of the plurality of client processes*. The combined teachings of Kozdon and Robles do not disclose the retransmission of modified packets to a plurality of *client processes*. Accordingly, Applicants respectfully traverse the rejection of claims 1, 4 and 10 on the grounds that, since the Examiner has failed to demonstrate where the prior art reference (or references when combined) teach or suggest *all* of the claim limitations, the Examiner has failed to create a *prima facie* case of obviousness in accordance with MPEP §2143.03.

Applicants respectfully traverse the rejection of claims 1, 4 and 10 on the additional grounds that the Examiner has failed to demonstrate where the prior art reference (or references when combined) disclose some suggestion or motivation to modify the Kozdon reference or combine the Kozdon and Robles references, and, therefore, has failed to create a *prima facie* case of obviousness in accordance with MPEP §2143.03. Claims 2-3 include all of the limitations of claim 1 and are likewise

believed patentable over the cited references for at least the same reasons as claim 1, as well as for the merits of their own respective limitations. Claims 4 and 10 include limitation language similar to claim 1 (claim 4, lines 12-15; claim 10, lines 11-15) and, along with their respective defendant claims, are likewise believed patentable over the cited references for at least the same reasons as claim 1, as well as for the merits of their own respective limitations. In addition, Applicants respectfully traverse the various rejections of the dependent claims on the additional grounds that the Examiner has failed to demonstrate where the prior art reference (or references when combined) disclose some suggestion or motivation to modify the Kozdon reference or combine the Kozdon and Robles references with any of the Foster et al., Oran, or Bruno et al. references, and, therefore, has failed to create a *prima facie* case of obviousness in accordance with MPEP §2143.03.

Claims 13, 17 and 18 stand rejected under 35 USC Section 102(e) as being anticipated by United States Patent 6,240,070, hereafter referred to as Kozdon. The Examiner will note that claim 17 includes all the limitations of claim 16 and claim 13 from which it depends, directly and indirectly, respectively. Since the Examiner has not rejected claim 16 on the same grounds, the rejection of claim 17 is indefinite. Accordingly, Applicants respectfully request the Examiner to clarify the rejection of claim 17 and will not address the current rejection of claim 17 in this response.

The present invention provides a system and technique in which at least two active audio streams are simultaneously broadcast, *in unmixed form*, to participating client processes to a conference . The system disclosed in Kozdon, to output signals are transmitted, a first output “B and 112 is compressed and unmixed, while a second output “A” 110 represents a mixed summation of all active audio streams in the conference. In Oran, the audio signal provided to the a listener’s telephone handset 16 is a mixed audio signal 41 (Fig. 4; step 36 of Fig. 3.). Accordingly, notwithstanding the Examiner’s comments, neither Kozdon nor Oran teach, disclose, or suggest the simultaneous transmission of two unmixed audio streams to participating client processes to the conference, whether considered singularly or in combination. In fact, in setting forth the rejection of claims 14-15 the Examiner has expressly admitted that Kozdon does not explicitly teach identifying a second client process. Accordingly,

Applicants have now amended claim 14 to include all of the limitations of claim 13. Claim 13 has been canceled, without prejudice. Specifically, claim 14 now recites a system for enable conferencing over a computer network comprising:

B. a server process operatively coupled to the computer network and *configured to identify a first of the selected plurality of client processes* which is transmitting an active audio stream and to retransmit the active audio stream of the first identified client process to others of the plurality of client processes in unmixed form, the server process further *configured to identify a second of the selected plurality of client processes* which is transmitting an active audio stream and to *simultaneously retransmit* the active audio streams of the first and second identified client processes to others of the plurality of client processes *in unmixed form*.

(claim 14, lines 8-16, emphasis added)

None of the references cited by the Examiner disclose the simultaneous broadcast transmission of a plurality of unmixed audio streams to client processes participating in a conference. Accordingly, claim 14 is believed patentable over the art of record, whether considered singularly or in combinations. Claims 16 and 18 have been amended to depend from claim 14.

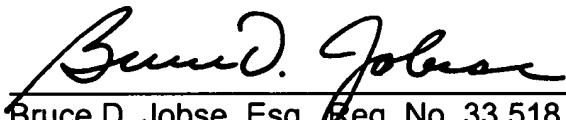
Applicant(s) have/has amended the claims to conform the claim language with 35 U.S.C. Section 112, second paragraph. As such, the amendments have been made to clarify the language of the claim, not to distinguish over any other reference of record whether considered singularly or in combination.

The amendments to the claims as set forth herein, including the addition or cancellation of any claims, have been offered to advance this application to issue. None of the amendments made herein should be construed as an admission that the subject matter of the claims, as originally filed, is anticipated by or made obvious in light of any art of record whether considered singularly or in combinations. Applicant expressly reserves the right to pursue the originally filed claims in another co-pending

application without being prejudiced by any amendments, including cancellation of claims, made herein.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,



Date:

3/3/04

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